UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

	Eastern District of Telmessee
	United States of America v. Case No. 3:11-CR-69 Merrell Neal)
	Defendant)
	DETENTION ORDER PENDING TRIAL
	after conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts at the defendant be detained pending trial.
	Part I—Findings of Fact
□ (1) Th	ne defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted
of	f □ a federal offense □ a state or local offense that would have been a federal offense if federal
	jurisdiction had existed - that is
	□ a crime of violence as defined in 18 U.S.C. § 3156(a)(4)or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
	☐ an offense for which the maximum sentence is death or life imprisonment.
	☐ an offense for which a maximum prison term of ten years or more is prescribed in
	*
	a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:
	☐ any felony that is not a crime of violence but involves:
	☐ a minor victim
	☐ the possession or use of a firearm or destructive device or any other dangerous weapon
	☐ a failure to register under 18 U.S.C. § 2250
□ (2)	The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.
□ (3)	A period of less than five years has elapsed since the date of conviction the defendant's release
	from prison for the offense described in finding (1).
□ (4)	Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person or the community. I further find that the defendant has not rebutted this presumption
	Alternative Findings (A)
X (1)	There is probable cause to believe that the defendant has committed an offense
.,	X for which a maximum prison term of ten years or more is prescribed in 21 U.S.C. § 841

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

X under 18 U.S.C. § 924(c).	
X (2) The defendant has not rebutted the the defendant's appearance and the	e presumption established by finding 1 that no condition will reasonably assure he safety of the community.
	Alternative Findings (B)
☐ (1) There is a serious risk that the de	efendant will not appear.
☐ (2) There is a serious risk that the de	efendant will endanger the safety of another person or the community.
Don't H	Statement of the Decrees for Detection
	- Statement of the Reasons for Detention ation submitted at the detention hearing establishes by X clear and
	of the evidence that
dangerousness based upon his gang member allegations involving multiple kilograms of confidential informant, 18 U.S.C. § 3142(g) membership, two prior felony drug convictions evidenced by his resuming drug trafficking supervised release, 18 U.S.C. § 3142(g)(3)(a) coosed by the Defendant's release, which the	U.S.C. § 3142(g)(1); the great weight of the evidence of the Defendant's rship, his history of drug trafficking and convictions, the current drug cocaine and firearms, and his involvement in the recent threats to the (2); the history and characteristics of the Defendant, including his gang ons, long history of criminal involvement, and apparent lack of rehabilitation in within one year of completing a ten-year prison sentence and five years of A); and the nature and seriousness of the danger to another or the community of Court finds to be great, 18 U.S.C. § 3142(g)(4). (Continued on next page)
	ustody of the Attorney General or a designated representative for confinement
in a corrections facility separate, to the extepending appeal. The defendant must be afformation	nt practicable, from persons awaiting or serving sentences or held in custody orded a reasonable opportunity to consult privately with defense counsel. On an attorney for the Government, the person in charge of the corrections facility
Date: February 17, 2012	Cleyford Shrely
	Judge's Signature
	United States Magistrate Judge C. Clifford Shirley, Jr.
	Name and Title

(Continued from page 2)

I further find that no conditions of release, including the conditions of living with his wife, his wife serving as a third-party custodian, electronic monitoring, a curfew, or house arrest suggested by the Defendant, would reasonably assure the safety of another person or the community. 18 U.S.C. § 3142(e).

Case 3:11-cr-00069-KAC-DCP Document 83 Filed 02/17/12 Page 3 of 3 PageID